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10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14
15 UNITED STATES OF AMERICA,) CR No. 12-0438 RS
16 Plaintiff,)
17 v.)
18 MICHAEL EARL PETTIS,) **STIPULATION AND [PROPOSED]**
19 Defendant.) **ORDER SETTING HEARING DATE AND**
20) **EXCLUDING TIME**

21)

22 During the initial status hearing before the Court on June 19, 2012, the Court set August
23 7, 2012 as the date for a further status hearing. On August 7, 2012, however, the United States
24 Marshals were unable to transport the defendant to court because of the circumstances of his
25 housing in the local jail. No status hearing took place on that day.

26 The parties hereby stipulate to reset the status hearing for September 11, 2012, at 2:30
27 p.m. The parties also request that the Court exclude the period from the date of this Order
28 through September 11, 2012, from the time limits of 18 U.S.C. § 3161, on the basis of the need
for effective preparation and continuity of counsel. 18 U.S.C. § 3161(h)(7)(A).

STIPULATION AND [PROPOSED] ORDER SETTING HEARING DATE AND EXCLUDING TIME
CR 12-0438 RS

1 SO STIPULATED:

2 MELINDA HAAG
United States Attorney

3 DATED: August 18, 2012

4 /s/
5 KEVIN J. BARRY
6 Assistant United States Attorney

7 DATED: August 18, 2012

8 /s/
9 BRENDAN CONROY
10 Attorney for MICHAEL EARL PETTIS

11 **[PROPOSED] ORDER**

12 For the reasons stated above, the Court sets the date for the next status hearing as
13 September 11, 2012. The Court also finds that exclusion from the time limits applicable under
14 18 U.S.C. § 3161 the period from the date of this Order, through September 11, 2012, is
15 warranted and that the ends of justice served by the continuance outweigh the best interests of
16 the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A). The failure to grant
17 the requested exclusion of time would deny counsel for the defendant and for the government the
18 reasonable time necessary for effective preparation, taking into account the exercise of due
19 diligence, and would affect continuity of counsel, resulting in a miscarriage of justice. 18 U.S.C.
20 § 3161(h)(7)(B)(iv).

21 IT IS SO ORDERED.

22 DATED: 8/20/12

23 
24 THE HONORABLE RICHARD SEEBORG
25 United States District Judge